627

Registered No. M.—1175.

The Mysore Gazette.

Vol. 53.] PUBLISHED BY AUTHORITY. [No. 32.

BANGALORE, THURSDAY, AUGUST 8, 1918.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. 13—L. C., dated 20th July 1918.

Under Rule 31 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Mysore Steam-boilers and Prime-movers Bill is published for general information with the statement of objects and reasons.

By Order,
G. SREENIVASA IYER,
Secretary, Mysore Legislative Council.

A Bill to provide for the inspection and management of Steam-boilers and Prime-movers in Mysore.

Whereas it is expedient to provide for the inspection and management of Steam-boilers and Prime-movers; His Highness the Maharaja is pleased to enact as follows:—

Preamble.

Short title, commencement and extent.

1. (1) This Regulation may be called the Mysore Steam-boilers and Prime-movers Regulation.

(2) It shall come into force on such day and shall extend to such place as the Government may by notification in the official Gazette, direct.

Limitation of application of Regulation.

(3) But nothing in this Regulation shall be deemed to apply to any locomotive engine, boiler or prime-mover used upon or appertaining to any railway within the meaning of that word as defined in section 3, clause 4, of the Mysore Railways Regulation, 1894, or to any boiler used exclusively for domestic purposes at atmospheric pressure or to any boiler or prime-mover used in any vehicle or class of vehicles which the Government may by notification specify.

Definitions.

2. In this Regulation, unless there is something repugnant in the subject or context:—

"Boiler." "Boiler" includes any vessel used for generating steam under pressure and any apparatus closely attached thereto and affected by the steam pressure;

"Prime-mover." "Prime-mover" includes any steam-engine, steam-hammer, fly-wheel, first driving shaft or pulley attached to any such engine, and every appurtenance necessary for the safe and efficient working of a prime-mover.

"Owner." "Owner" includes any agent or hirer using any boiler or prime-mover.

Appointment of Inspectors.

3. (1) The Government may, at any time after the passing of this Regulation, appoint such persons to be Inspectors as it thinks fit, and suspend or remove any person so appointed.

(2) The persons so appointed shall, within such local area as the Government may direct, exercise the powers and perform the duties conferred and imposed by or under this Regulation on an Inspector.

Use of boiler without license prohibited.

4. After such day as the Government may, by notification in the official Gazette, fix in this behalf, no boiler shall be used unless a license authorising its use has been granted under this Regulation and is in force.

Provision in respect of continued use.

Provided that the owner of a boiler who holds in respect thereof a license as aforesaid, and who, before the expiry of such license, gives to the Inspector for the local area in which the boiler is situated, not less than thirty days before such expiry, notice of his intention to continue to use the same afterwards, may continue to use or permit the use of the boiler as allowed by the said license until it is examined in pursuance of such notice.

Owner to give notice of intention to use a boiler.

5. (1) The owner of any unlicensed boiler shall, before using the same, give notice of his intention to use such boiler to the Inspector for the local area within which it is situated.

Inspector to appoint a day for the examination of the boiler.

(2) On receipt of the notice the Inspector shall appoint a day and time, after sun-rise and before sun-set, for the examination of the boiler. The day so appointed shall be a day not later than thirty days from the day on which notice is received.

Examination by the Inspector.

(3) On the day and at the time so appointed, the Inspector shall carefully examine the boiler and every part thereof; and the owner or person in charge thereof shall afford to the Inspector all reasonable facilities for the examination, and all such information regarding the boiler as he may reasonably require.

Payment of fees for examination.

(4) Every person giving a notice under this section shall simultaneously pay the fees prescribed for the examination by a rule made under section 24.

Inspector may require owner to alter boiler.

6. If, on making the examination under section 5, the Inspector is of opinion that the boiler requires, in view to safe working, any alteration or addition, he shall refuse to grant a license until the alteration or addition is made, and shall serve on the owner of the boiler within forty-eight hours of his examination a written notice of his refusal, specifying the alteration or addition which, in his opinion, is required.

When Inspector to grant license.

7. When the Inspector is satisfied that the boiler is in good condition and not so exposed as to be likely to be dangerous, he shall give to the owner thereof a written license, signed by him, in the form prescribed in Schedule A hereto annexed, or in a form to the like effect.

Period of license.

No such license shall remain in force for more than twelve months.

8. Evesy license granted under this Regulation shall state the period for which it is to continue in force, and shall cease to be in force on the expiration of that period. Such license shall also state the pressure beyond which the boiler may not be worked.

License to state certain particulars.

9. On granting a license under section 7, the Inspector shall register the boiler in such form as the Government may prescribe and shall allot to it a number to be called the registry number of the boiler. The registry number shall be communicated to the owner and shall, within such reasonable period as the Inspector may direct, be permanently marked upon the boiler by the owner thereof so as to be plainly visible and in such manner as Government may prescribe.

Boiler to be registered and marked with registry number.

10. (1) The owner of any boiler, who shall have obtained a license therefor shall, at all reasonable times during the period for which such license is in force, be bound to produce the said license when called upon to do so by the Chief Inspector of Mines or by the District Magistrate or by any person generally or specially authorised in writing by the Chief Inspector of Mines or the District Magistrate to demand its production.

Owner to produce license when called upon.

(2) A person who becomes owner of a boiler during the time for which a license therefor is in force shall be entitled to receive the license from the preceding owner and shall be subject to the provisions of clause (1) of this section.

Transfer of license on change of ownership.

(3) If at any time during the period for which a license has been granted under section 7 or section 13, any structural alteration or renewal is made in any part of the boiler to which such license relates, it shall be the duty of the owner of such boiler to give notice in writing of such alteration or renewal to the Inspector of Boilers before the same is begun.

Notice of alteration or renewal in boiler to Inspector.

11. (1) It shall be the duty of every owner of, or person in charge of, the boiler to report in writing to the Inspector of Boilers within twelve hours of its occurrence every accident to the boiler or to any apparatus attached thereto which is calculated to weaken the strength of such boiler or to render it liable to explode.

Report of accidents to Inspector by owner or person in charge.

(2) Every such report shall contain a true description of the nature of the accident and of the injury thereby, caused sufficient to enable the Inspector of Boilers to judge of the gravity of the accident.

(3) The owner of, or person in charge of, the boiler shall be bound to answer truly to the best of his knowledge and ability every question put to him in writing by the Inspector of Boilers as to the cause, nature and extent of the accident.

12. Any person authorised by the Government in this behalf may revoke or suspend any license granted under this Regulation in respect of any boiler when he has reason to believe:—

Revocation and suspension of license.

(*a*) that the license has been fraudulently obtained, or has been granted erroneously or without sufficient examination; or

(*b*) that the boiler in respect of which it has been granted is not in good condition or has, since the granting of the license, sustained injury; or

(*c*) that the registry number is not marked upon the boiler as required by this Regulation.

13. (1) The owner of any boiler may appeal from any order made under this Regulation refusing to grant, or revoking or suspending, a license.

Appeal against refusal, etc., of license.

(2) The appeal shall, within one calendar month from the day on which the owner received the order appealed against, be presented in person or otherwise to the Magistrate of the District in which the boiler is situate.

Presentation of appeal.

(3) The District Magistrate shall within fifteen days of the receipt of the appeal publicly enquire into and determine the appeal and shall have power to issue summonses for the attendance of witnesses and the production of documents, and the provisions of the Code of Criminal Procedure, 1904, shall, so far as applicable, apply to such summonses and the persons so summoned.

Issue of summonses in connection with appeal.

(4) The District Magistrate shall summon to his assistance, in such manner as the Government may direct, two competent assessors with the necessary practical knowledge and experience; and such assessors shall attend and assist accordingly.

Method of hearing appeal.

(5) If the District Magistrate is satisfied that the owner is entitled to the license, he shall grant a license in such form as the Government may, by rule, prescribe, or shall cancel the order, revoking or suspending the license; as the case may be; he shall further direct that the expenses of the appeal incurred by the appellant, to such amount as may seem reasonable to him, shall be reimbursed from the public funds.

Procedure in case of successful appeal.

(6) If the District Magistrate is of opinion that the order appealed against is right, he shall dismiss the appeal; and he may award any sum not exceeding one hundred rupees to be paid by the appellant as costs; any sum so awarded shall be recoverable from the appellant as if they were arrears of land revenue.

Procedure in case of unsuccessful appeal.

14. An Inspector may at any time for the purpose of inspecting a boiler, enter into any place or building where he has reason to believe that the same is being used.

Inspector may enter place or building.

15. The Government may, by notification in the official Gazette, direct that, from a date specified and within any defined local area, no boiler shall be used unless it is in the direct and immediate management and charge of a person certified under this Regulation, as hereinafter provided, to be competent for the charge thereof.

Government may require certificates of competency.

16. Subject to the provisions of Section 18, certificates of competency for such charge shall be granted only after examinations conducted under rules framed by Government under section 24 (*d*) of this Regulation.

Government to make rules for conduct of examinations for certificates and to appoint examiners.

The examiners shall be appointed by Government, provided that in no case shall an Inspector appointed under this Regulation be nominated as an examiner.

17. Certificates of competency may be of different classes and shall qualify the holders thereof to manage or be in charge of boilers of such capacities or kinds as may be prescribed in the rules framed under section 24 (*c*).

Certificates may be of different classes.

18. (1) If any person holds a certificate of competency granted under the provisions of any law in British India, or in the United Kingdom or in any British Colony he shall be entitled to receive a certificate of competency as aforesaid, without undergoing examination.

Possession of certain other certificates to entitle holders to certificates under this Regulation.

(2) The certificate granted under this section shall be of such class as the examiners appointed under section 16, on a consideration of the nature of the certificate held, shall determine.

19. (1) The examiners may, in the case of any person who satisfies them that he has served for a period of not less than three years in actual charge and management of a boiler and that he is possessed of adequate practical skill for such work, grant to him a certificate of service to the effect that he is qualified to the like extent as the holder of a certificate of competency of any class, which the Board in such certificate of service specifies.

Certificates of service may be granted to persons possessing proved practical skill.

(2) A certificate of service so granted shall have the same effect as a certificate of competency granted under this Regulation.

20. (1) If, on an enquiry conducted under this Regulation, it shall be established to the satisfaction of Government that the holder of any certificate granted under this Regulation is incompetent, or is addicted to drunkenness, or has been guilty of any serious misconduct or negligence, the Government may cancel such certificate, or suspend the same for such time as it shall deem fit.

Cancellation or suspension of certificate after enquiry.

(2) The holder of such certificate shall surrender it pending the result of the enquiry and, should he fail to do so, the Government may cancel the certificate by notification in the official Gazette.

Pending enquiry holder to surrender certificate.

21. Whenever the holder of a certificate granted under this Regulation proves to the satisfaction of Government that such certificate has been lost or destroyed, the Government may direct that a duplicate of the same shall be issued; such duplicate shall have the same validity as the original certificate

Duplicates of certificates may be given.

22. (1) Any owner of a boiler, who fails to report as required by section 10, any structural alteration or renewal thereof; and

Penalties.

(2) Every owner of, or person in charge of any boiler who—

(*a*) uses that boiler in contravention of the provisions of section 4 or in contravention of the terms of the license granted under section 7, or

(*b*) fails to produce a license when called upon to do so under section 10 of this Regulation or

(*c*) within a local area defined under section 15 allows any boiler to be used when not in the direct and immediate management and charge of a person duly certified as competent under this Regulation, or

(*d*) fails to report, as required by section 11, any accident of the kind mentioned in that section, and

(3) every person, who prevents an Inspector from entering, under section 14, any place or building,

shall be punished with a fine which may extend to five hundred rupees.

23. No charge of an offence under this Regulation shall be brought against any person after the expiration of six months from the date of the Commissioner of the offence.

Charges not to be brought after six months.

24. The Government may, at any time after the passing of this Regulation, after previous publication, make rules consistent with this Regulation for all or any of the following purposes (that is to say):—

Power to make rules after publication.

(*a*) for prescribing the powers, duties, mutual relations and official subordination of Inspectors and of officers authorised to revoke and suspend licenses under section 12;

(*b*) for fixing the fees payable on account of examinations made by Inspectors under this Regulation at rates not exceeding those prescribed in Schedule B;

(*c*) for regulating the grant and record of certificates of competency and of service;

(*d*) for the conduct of examinations for such certificates and for regulating the fees to be charged for admission to the same;

(*e*) for providing for enquiry into an allegation of drunkenness, misconduct or negligence on the part of the holder of a certificate of the competency or service;

(*f*) generally for carrying out the purposes of this Regulation.

25. The Government may, by notification, apply so much of this Regulation as relates to the licensing, inspection or management of boilers to prime-movers generally or to prime-movers of any particular class, in any local area in which this Regulation is, at the time, in force.

Regulation may be applied to prime-movers by notification.

SCHEDULE A.

(SEE SECTION 7.)

Form of license.

Name of owner	Registry number and description of boiler and age	Power	When and where made	When and where last repaired	Time for which this license is to be in force	Maximum pressure at which the boiler may be worked	Remarks

I, the undersigned, certify that I have examined the boiler above described, and, to the best of my judgment, it is in good condition, and is not so exposed as to be likely to be dangerous.

Inspector.

SCHEDULE B.

(SEE SECTION 24 (*b*).)

Rates of fees leviable for examinations of boilers.

		Rs.
1.	For the examination of each boiler not exceeding 10 horse-power nominal...	15
2.	Do do exceeding 10 but not exceeding 20 „ ...	20
3.	Do do exceeding 20 do 30 „ ...	30
4.	Do do exceeding 30 do 50 „ ...	40
5.	Do do exceeding 50 horse-power nominal ...	50

Statement of objects and reasons.

The question of inspecting and testing the steam-boilers in the State has been engaging the attention of Government for the last few years. More than 300 boilers are in use in the Kolar Gold Fields and nearly 100 in other parts of the State. Various precautions are necessary to safeguard the lives of the large number of employees. Provision has to be made for the periodical inspection of the boilers and it is necessary to see that necessary steps are taken to prevent accidents. It is therefore deemed desirable to introduce into Mysore, a Steam-boilers and Prime-movers Regulation. The Bill has accordingly been drafted on the lines of the Madras Steam-boilers and Prime-movers Act, 1893.